

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY AUTHORIZING THE	)	2016-00168
CONSTRUCTION OF A GAS PIPELINE FROM	)	
WALTON, KENTUCKY TO BIG BONE, KENTUCKY	)	

ORDER

On August 9, 2016, Duke Energy Kentucky, Inc. (“Duke Kentucky”) filed a petition (“Petition”), pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years for information contained in its response to Commission Staff’s First Request for Information to Duke Kentucky (“Staff’s First Request”), Items 5 and 7.

In support of its Petition requesting confidential protection, Duke Kentucky states that the designated material in its response to Staff’s First Request, Item 5, includes customer specific usage information that if made public would provide an unfair advantage to competitors. Duke Kentucky also states that the designated material in its response to Staff’s First Request, Item 7, includes detailed construction costs for the natural gas pipeline to be constructed from Walton, Kentucky, to Big Bone, Kentucky, which were derived from a competitive bidding process, the disclosure of which would

provide third-party competitors with sensitive pricing information. Duke Kentucky asserts that the designated material is not known outside of Duke Kentucky, is distributed within Duke Kentucky only to those employees who must have access for business reasons, and is generally recognized as confidential and proprietary in the gas industry.

Having considered the Petition and the material at issue, the Commission finds that the designated material is generally recognized as confidential or proprietary, and if openly disclosed, could result in a commercial disadvantage to Duke Kentucky. The material is thus exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

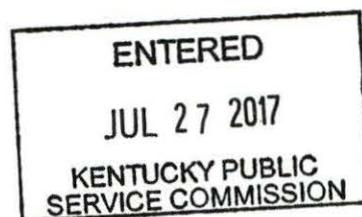
1. Duke Kentucky's Petition for confidential protection for designated material contained in its response to Staff's First Request, Item 5, including customer-specific usage information, and Item 7, including detailed construction costs for the natural gas pipeline to be constructed from Walton, Kentucky, to Big Bone, Kentucky, is granted.
2. The designated material set forth in the Duke Kentucky's response to Staff's First Request, Item 5 and Item 7, shall not be placed in the public record or made available for public inspection for ten years, or until further Orders of the Commission.
3. Use of the designated material in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Duke Kentucky shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential protection.

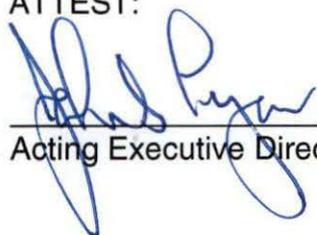
5. If a non-party to this proceeding requests to inspect material granted confidential protection by this Order and the period during which the material has been granted confidential protection has not expired, then Duke Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878(1)(m)(1). If Duke Kentucky is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential protection in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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Acting Executive Director

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